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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,100	10/02/2003	Hyoung-Jo Jeon	1572.1153	8392

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EXAMINER

SMITH, JEFFREY S

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/676,100

Applicant(s)

JEON ET AL.

Examiner

Jeffrey S. Smith

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1.

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

JINGGE WU
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that claim 1 recites "a position controller which controls the lightpath changing apparatus to change the lightpaths of the respective images." Applicant argues that the half mirror of the reference is not controlled because it is stationary. However, the image pickup system B moves in relation to the half mirror 10, which together form a lightpath changing apparatus that is controlled by position controllers 11 and 12. See paragraph 8 "10 is a half mirror, 11 is the direction moving mechanism of z, 12 is a y-direction moving mechanism, ... a and B are image pickup types...." See also paragraph 11, "If the image pick-up type B is moved to z and y-direction by the these direction moving mechanism 11 of z and the these y-direction moving mechanism 12, since the image pick-up type B receives the reflection light of a half mirror 10, the image pick-up visual field CE of an image pick-up 16 to this image pick-up type B is shifted by x parallel to that field, and y-direction to the image pick-up visual field CE in the image pick-up type A. In other words, by moving the lightpath changing apparatus that includes half mirror 10 and pick-up type B, the lightpath of the image is changed relative to pick-up type B. Therefore the reference discloses "a position controller which controls the lightpath changing apparatus to change the lightpaths of the respective images.

Applicant argues that claim 1 recites "the lightpath changing apparatus operates in a manner of one of a galvanometer mirror and a prism." Applicant argues that the stationary half mirror cannot operate in a manner of at least a galvanometer mirror because the stationary mirror does not move. Applicant further argues that the half mirror cannot operate in a manner of a prism because a prism refracts light and a mirror reflects light. However, the claim does not recite "the lightpath changing apparatus is a galvanometer mirror." The claim further does not recite "the lightpath changing apparatus is a prism." The claim recites "the lightpath changing apparatus operates in a manner of one of a galvanometer mirror and a prism." In this case, a half mirror operates by changing the direction of a lightpath, and the prism operates by changing the direction of a lightpath. Applicant attempts to draw a distinction between refract and reflect, however, applicant fails to provide any evidence that shows a difference between refract and reflect in the operation of the claimed system. The fact that the claim itself includes both a mirror and a prism to describe the manner of operation of the lightpath changing apparatus is evidence that refracting light and reflecting light both operate in the same manner to provide the identical function of changing the lightpath. Therefore, lightpath changing apparatus that includes inter alia the half mirror of the reference "operates in a manner of ... a prism."

Applicant argues that claim 1 recites "the position controller moves the image displaying apparatus to a plurality of predetermined positions." Applicant argues that moving the image displaying apparatus is not equivalent to moving the display apparatus of the reference because allegedly the "lightpath features which are necessary to illuminate the image being photographed, must be changed to suit the different respective mechanisms in which the image is displaced relative to the camera." However, because the reference moves the camera in relation to the image displaying apparatus, the reference discloses moving "the image displaying apparatus to a plurality of predetermined positions" relative to the camera. The function of moving the camera while the image displaying apparatus is stationary, or moving the image displaying apparatus while the camera is stationary, are functionally equivalent because both provide the same result of "[moving] the image displaying apparatus to a plurality of predetermined positions" in relation to the camera's position.